

1 Holly M. Simpkins (*pro hac vice* forthcoming)
2 HSimpkins@perkinscoie.com
PERKINS COIE LLP
3 1201 Third Avenue, Suite 4900
Seattle, WA 98101
Telephone: 206.359.8000
4 Facsimile: 206.359.9000

5 Katherine M. Dugdale, Bar No. 168014
6 Kdugdale@perkinscoie.com
PERKINS COIE LLP
7 1888 Century Park East, Suite 1700
Los Angeles, CA 90067
Telephone: 310.788.9900
8 Facsimile: 310.788.3399

9 Attorneys for Plaintiff
10 REDACTED, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 REDACTED, INC., a Delaware
corporation,

15 Plaintiffs,

16 v.

17 REDACTED EXPO, a business of
unknown classification; REDACTED
18 BRANDS, LLC, a business of unknown
classification; and DOES 1 through 3;

19 Defendants.
20

21 Case No. 3:18-2707
22

23 **COMPLAINT FOR:**

- 24 **(1) TRADEMARK INFRINGEMENT;
(2) FEDERAL UNFAIR COMPETITION;
(3) CYBERSQUATTING; AND
(4) CALIFORNIA UNFAIR COMPETITION**

25 **DEMAND FOR JURY TRIAL**

1 Plaintiff Redacted, Inc. (“Redacted” or “Plaintiff”), for its Complaint against Defendants
 2 Redacted Expo; Redacted Brands, LLC; and Does 1-3 (collectively “Redacted Expo” or
 3 “Defendants”), by and through its undersigned counsel alleges as follows:

4 **INTRODUCTION**

5 1. Redacted specializes in cyber security and risk assessment. Upon information and
 6 belief, Redacted Expo organizes and promotes cyber security conferences and events. Redacted
 7 seeks injunctive relief and damages arising from Redacted Expo’s unlawful use of Redacted’s
 8 REDACTED trademark to advertise and promote Redacted Expo’s cyber security conferences
 9 and events as well as Redacted Expo’s registration of domain names incorporating the
 10 REDACTED mark.

11 **PARTIES**

12 2. Redacted, Inc. is a Delaware corporation with its principal place of business in San
 13 Francisco, California.

14 3. Upon information and belief, Defendant Redacted Expo is an entity of unknown
 15 classification which claims to be located in Orlando, Florida.

16 4. Upon information and belief, Defendant Redacted Brands, LLC is a business of
 17 unknown classification. Redacted Brands, LLC’s principal place of business is unknown at this
 18 time.

19 5. Upon information and belief, Does 1 through 3 are entities or individuals who own
 20 or control Defendants Redacted Expo and Redacted Brands, LLC and/or participated in; had the
 21 right and ability to supervise, direct and control; and/or derived direct financial benefit from the
 22 wrongful conduct alleged in this Complaint.

23 **JURISDICTION**

24 6. This Court has subject matter jurisdiction over the federal claims asserted herein
 25 pursuant to 28 U.S.C. §§ 1331 and 1338 because this action alleges violations of the Lanham Act
 26 (15 U.S.C. §§ 1114, 1125). This Court has supplemental jurisdiction over the remaining claims
 27 under 28 U.S.C. § 1337.

7. This Court has personal jurisdiction over Defendants because they purposefully directed their unlawful activities to this District. Redacted's principal place of business is in this District and, upon information and belief, Redacted Expo intentionally infringed Redacted's intellectual property rights knowing that Redacted is located in California. According to the www.redactedexpo.com website, Redacted Expo is planning to host an event in California.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to this action occurred in this District.

INTRADISTRICT ASSIGNMENT

9. This is an intellectual property action to be assigned on a district-wide basis under Civil Local Rule 3-2(c).

REDACTED'S GOODS AND SERVICES

10. Redacted is a global risk management and technology firm that partners with CEOs, corporate boards, and senior leaders at many of the world's largest and most complex companies and organizations. Redacted assists its customers in answering cyber security-related questions regarding, among other things, assessing potential exposure, how to protect systems and information, whether defenses and mitigation are sufficient, whether there are software solutions to mitigate risk, whether cyber insurance is sufficient to meet cyber risk; assessing security issues related to crypto currency and encryption; and creating strategies for minimizing cyber security risk.

11. Redacted is an industry leader in cyber security, with a special emphasis on loss prevention and counter intelligence. Redacted employs an extensive team of world-class advisors, analysts, developers, and engineers with decades of experience and proven track records of managing complex cyber operations at the highest levels of government, as well as in senior positions in groundbreaking technology companies. Redacted serves a wide array of influential clients, including Fortune 100 companies as well as other leaders in technology, manufacturing, finance, and law.

12. Redacted assists its customers by performing security, threat, and risk-management assessments, analyses, and investigations, enabling its customers to protect digital assets from cyber warfare, computer hacking, and computer viruses.

13. Redacted likewise provides fraud and identity theft protection services, namely, accessing, scanning, and monitoring of reports, the Internet, public records, and computer activity and accounts to facilitate the detection and prevention of data breaches, identity theft, and fraud.

14. Redacted also provides cyber insurance analysis services as well as consulting services in the field of risk-management, namely, providing review of cyber insurance for online hacking, data breach, and network security.

15. Redacted provides other services including assisting corporate clients in detecting and mitigating potential insider threats and providing physical and cyber security for high-net-worth individuals and high-level executives who require additional protection to secure their residence, their families, and their personal online activities.

REDACTED'S TRADEMARK

16. Redacted began using the REDACTED mark in commerce at least as early as January 27, 2016.

17. Since its first use, Redacted has continually used the REDACTED mark in connection with cyber security software and consulting services.

18. Redacted has invested substantial resources in marketing, advertising, and distributing its goods and services under the REDACTED mark.

19. Redacted has attained substantial goodwill and strong recognition in the REDACTED mark, and that mark has come to be associated with Redacted.

20. Redacted owns United States Patent and Trademark Office (“USPTO”) Registration No. 5,382,625 for the REDACTED mark for use in association with numerous goods and services including but not limited to cyber insurance analysis; consulting services in the field of cyber insurance; providing and hosting a secure electronic system featuring technology that allows cyber surveillance to assist in providing defense against data breaches and privacy violations; computer security consultancy; security information services; computer software

1 testing to identify security vulnerability; computer forensic services; computer network security
 2 services and communications network security services including computer testing for
 3 vulnerability management and assessment, risk management and assessment, data breach threat
 4 analysis and network threat analysis; computer and network incident response and forensics and
 5 penetration testing; consulting in the field of critical incident response to information, computer,
 6 and internet security breaches; and computer security consulting services intended to identify,
 7 pursue, and deter threat actors. A true and correct copy of the registration for the REDACTED
 8 mark is attached hereto as Exhibit A.

9 21. Redacted also has pending applications for REDACTED, USPTO Serial No.
 10 87/428,667, for use in association with “[i]nsurance services, namely underwriting, issuing,
 11 administration, agency and brokerage services,” and USPTO Serial No. 87/122,608 for
 12 “[c]omputer software and hardware for performing security, threat, and risk-management
 13 assessments.”

14 22. Redacted has built a family of Redacted marks for use in association with its cyber
 15 security goods and services including but not limited to USPTO Registration No. 5,382,623 for
 16 the REDACTED (Stylized); USPTO Registration No. 5,382,626 for the REDACTED RISK
 17 MANAGEMENT; and several REDACTED-formative marks including USPTO Serial Nos.
 18 87/428,673, 87/122,603, 87/122,590, 87/637,057, 87/591,424, and 87/591,419.

19 23. Redacted’s website is located at <https://www.redacted.com>.

DEFENDANTS’ UNLAWFUL ACTS

20 24. Upon information and belief, Defendants own and are responsible for the creation,
 21 development, supervision, and operation of the following domain names and social media
 22 profiles: <https://redactedexpo.com/>; <https://www.facebook.com/redactedexpo/>;
 23 <https://redacted.life/>; <https://www.facebook.com/RedactedLife-174360723316280/>;
 24 <https://www.instagram.com/redactedexpo/>; and <https://twitter.com/redactedexpo>.

25 25. Defendants’ websites and social media profiles feature the REDACTED mark as
 26 well as variants that are confusingly similar to Redacted’s REDACTED mark to advertise their
 27 cyber security conferences.

26. In or about December 2017 and January 2018, Defendants registered at least two domain names incorporating the REDACTED mark, redactedexpo.com and redacted.life.

27. Defendants advertise their cyber security conferences at websites located at the redactedexpo.com and redacted.life domains.

28. Defendants promote their Redacted 2018 cyber security conference as, “help[ing] you stay on top of the best tools, technology, and strategies for maintaining your privacy and security in this growing privacy-free world.” The conference recommends that “everyone” attend and notes that the conference “is open to all that want to learn about staying secure in an increasingly privacy-free world. Sessions will be offered for all levels of privacy-enthusiasts, and the expo hall will feature 100+ products and services that help protect your digital & physical footprint in 2018 and beyond.”

29. Redacted has not authorized Defendants to use Redacted's REDACTED mark.

30. Although the LinkedIn page for Redacted Expo,
<https://www.linkedin.com/company/redactedexpo/>, states that the Redacted Expo headquarters
are located in Orlando, Florida, Redacted has been unable to locate any business registrations
associated with a “Redacted Expo.”

31. The Redacted.Life website located at <https://redacted.life/>, states that the contents are “© 2018 Redacted Brands, LLC.” Redacted has been unable to locate a physical address or business registration for “Redacted Brands, LLC.”

FIRST CLAIM FOR RELIEF
Trademark Infringement (15 U.S.C. § 1114)

32. Redacted realleges and incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

33. Defendants' unauthorized use of the REDACTED mark in association with the promotion of their cyber security events constitutes infringement of Redacted's federally registered REDACTED mark in violation of 15 U.S.C. § 1114(1).

34. Because of Redacted's continuous and exclusive use of the REDACTED mark, it has come to mean, and is understood by consumers to signify services of Redacted.

35. Defendants' use of the REDACTED mark in connection with the advertising of cyber security events and conferences is likely to cause confusion, mistake, or deception as to the source, origin, or authenticity of Defendants' products and services.

36. Further, Defendants' activities are likely to lead consumers to conclude, incorrectly, that Defendants' products and/or services originate with or are authorized by Redacted, to the damage and harm of Redacted.

37. Defendants knew or should have known of Redacted's rights, and their infringement has been knowing, willful, and deliberate, such that the Court should award Redacted its attorneys' fees pursuant to 15 U.S.C. § 1117.

38. Redacted has been, and continues to be, damaged by such acts in a manner that cannot be fully measured or compensated in economic terms. Redacted therefore has no adequate remedy at law and seeks permanent injunctive relief pursuant to 15 U.S.C. § 1116.

39. Defendants' activities have damaged, and threaten to continue damaging, Redacted's reputation and goodwill.

SECOND CLAIM FOR RELIEF
Federal Unfair Competition (15 U.S.C. § 1125(a))

40. Redacted realleges and incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

41. Redacted advertises, markets, and distributes its goods and services under its REDACTED mark, and this mark is the means by which Redacted's goods and services are distinguished from the goods and services of others in the cyber security field.

42. Because of Redacted's continuous and exclusive use of the REDACTED mark, it has come to mean and is understood by customers and the public to signify goods and services of Redacted.

43. Defendants' wrongful conduct includes the use of Redacted's REDACTED mark in connection with their cyber security conferences.

44. Upon information and belief, Defendants engaged in such wrongful conduct with the purpose of misleading or confusing customers and the public as to the origin of the goods and

services offered and/or distributed in connection with the REDACTED mark as well as of trading upon Redacted's goodwill and business reputation.

45. Defendants' conduct constitutes (a) false designation of origin, (b) false or misleading description, and (c) false or misleading representation that the goods and services offered by Defendants originate from or are authorized by Redacted, all in violation of 15 U.S.C. § 1125(a).

46. As a consequence of Defendants' actions, Redacted has been and will continue to be irreparably harmed unless Defendants' activity is enjoined by this Court. Therefore, Redacted has no adequate remedy at law and is entitled to injunctive relief.

THIRD CLAIM FOR RELIEF
Cybersquatting (15 U.S.C. § 1125(d))

47. Redacted realleges and incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

48. The REDACTED mark was distinctive at all times relevant herein.

49. Upon information and belief, Defendants had a bad faith intent to profit from the REDACTED mark when registering the following Internet domain names: redactedexpo.com and redacted.life.

50. Defendants registered, trafficked in, or used the above domain names, which contain the REDACTED mark.

51. Defendants' registration and use of the infringing domain names has caused and will continue to cause monetary harm, in an amount to be proven at trial, resulting from the mistaken association of Defendants' services with Redacted.

52. Redacted is also suffering irreparable harm as a result of the above conduct, for which there is no adequate remedy at law. Therefore, Redacted is entitled to injunctive relief.

FOURTH CLAIM FOR RELIEF
California Unfair Competition
(Cal. Bus. & Prof. Code § 17200, *et seq.*)

53. Redacted realleges and incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

54. Defendants have engaged in unlawful, unfair or fraudulent business practices that have and will continue to injure Redacted in its business or property.

55. Defendants have engaged in violations of state and federal law, including but not limited to infringing the REDACTED mark.

56. Defendants' acts alleged herein have caused monetary damage to Redacted, in an amount to be proven at trial, in the form of costs related to investigating and addressing Defendants' unlawful activities and harm to goodwill.

57. Defendants have caused and will continue to cause irreparable injury to Redacted. Redacted, therefore, is entitled to an order enjoining Defendants from further engaging in the conduct described above.

58. As a direct and proximate result of Defendants' conduct alleged herein, Defendants have been unjustly enriched and should be ordered to disgorge all profits earned as a result of such unlawful conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. That judgment be entered in Plaintiff's favor against Defendants on all claims;

B. That Defendants and their officers, agents, representatives, servants, employees, heirs, successors, and assigns, and all others in active concert or participation with Defendants be preliminarily and permanently enjoined from:

(1) Using, in any manner whatsoever, Redacted's REDACTED mark, or any confusingly similar mark, logo, trade name, domain name or other source identifier;

(2) Infringing, inducing or enabling others to infringe Redacted's trademark rights; and

(3) Unfairly competing with Redacted.

C. An order requiring that the redactedexpo.com and redacted.life domains be transferred to Redacted.

D. An award to Plaintiffs of restitution and damages, including, but not limited to, liquidated, compensatory, statutory (including enhanced statutory damages for willful infringement), punitive damages, and all other damages permitted by law;

E. That Plaintiff be awarded pre-judgment and post-judgment interest on all damages awarded against Defendants;

F. An award to Plaintiff of its costs incurred in this suit, including, but not limited to, reasonable attorneys' fees; and

G. For such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 8, 2018

PERKINS COIE LLP

By: /s/ Katherine M. Dugdale
Katherine M. Dugdale, Bar No. 168014
KDugdale@perkinscoie.com

Attorneys for Plaintiff Redacted, Inc.